

Notice of Allowability

Application No.

10/009,985

Applicant(s)

CHIAO, JUNG-CHIH

Examiner

LOHA BEN

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's papers dated October 20, 2003.
2. ☒ The allowed claim(s) is/are 1-21.
3. ☒ The drawings filed on 20 March 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
* Certified copies not received: _____.
5. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
(a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No. _____.
(b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
(c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).


9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- 1 ☐ Notice of References Cited (PTO-892)
2 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3 ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No. _____.
4 ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

- 5 ☐ Notice of Informal Patent Application (PTO-152)
6 ☐ Interview Summary (PTO-413), Paper No. _____.
7 ☒ Examiner's Amendment/Comment

- 8 ☒ Examiner's Statement of Reasons for Allowance
9 ☒ Other


Loha Ben
Primary Examiner

*copies of corrected
claims 5, 15 and 20*

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the Claims

In claim 5: line 2, "comprises" has been retained, i.e., "comprising" has been changed back to – comprises – to reflect the use of the term "wherein" on line 1.

In claim 15: line 1, after "claim", "15" has been replaced with – 14 --, since this was clearly intended, or claim 15 depends on itself. For comparison, reference should be made to claim 9.

In claim 20: line 1, "a" has been replaced with – an --.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: Vis-à-vis independent claims 19-21, none of the references cited comes close to teaching or fairly suggesting the subject matter called for therein, which centers on three moveable components. The latter components comprise an actuator mechanism, a stage, and an element structure which comprises an optical element, wherein the first two components are formed on an integrated MEMS chip and to be moved thereon, and wherein the three components are connected to one another in that respective order.

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With respect to independent claims 1, 7, and 13, the prior art of record fails to teach or fairly suggest the element structure assembly of the claims, which assembly comprises essentially an actuator mechanism and an element structure both formed on an integrated MEMS chip, wherein the actuator mechanism is to be moveable laterally on the chip, and the element structure, pivotally coupled to the chip so as to assume a lying position and an upright position resulting from such a lateral movement of the actuator mechanism.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Loha Ben whose telephone number is (703)308-4820. The examiner can normally be reached on Monday to Saturday, generally between 12:00 noon and 8:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps, can be reached on (703)308-4883. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

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January 10, 2004

A handwritten signature in black ink, appearing to read 'Loha Ben', with a stylized, cursive script.

Loha Ben
Primary Examiner